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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/552,295
Filing Date: October 26, 2006
Appellant(s): VAN DER VELDE ET AL.

Roger S. Burliegh
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed **2/22/2010* appealing from the Office actions mailed 8/27/2009 and 11/11/2009 (Final Office Action and Advisory Action, respectively).

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct. The following is a list of claims that are rejected and pending in the application: 8-16, 21-35, and 39-51

(4) Status of Amendments After Final

There are no Amendments After Final

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6628946	Wiberg	9-2003
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2004/012065A1	Numminen	6-2004
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Universal Mobile Telecommunications System (UMTS); Radio Resource Control (RRC) protocol specification (3GPP TS 25.331 version 5.5.0 Release 5) 2003, sections 10.2.5, 10.3.1.15, 10.3.8.14, and 10.3.8.21

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims. (Copied from the Final Office Action of 8/27/2009.)

Claim Rejections 35 U.S.C. § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10, 15-16, 47, 48, and 51 are rejected as being anticipated by “Method and Apparatus for Broadcasting System Information in a Cellular Communications Network” by Wiberg et al., US6628946B1 (“Wiberg”).

Claim 8 is disclosed by “Method and Apparatus for Broadcasting System Information in a Cellular Communications Network” by Wiberg et al., US6628946B1 (“Wiberg”)

Wiberg discloses a method of operating a node of a telecommunications network which prepares network system information for transmission across an air interface to a user equipment unit (Wiberg teaches using the SIB type values in a telecommunications network., Col. 3 ll. 5-7 and 11-15, including a base station which is a node ,Col 1. line 20) comprising the steps of: including a first system information block type extension indicator in the system information block type field of the referencing block (Wiberg teaches that the SIB type values are included in master information blocks which contain the system information blocks Col 3. ll. 11-12, aka ‘SIBs’ and other referencing information blocks to which the SIBs refer, these SIBs contain system information parameters, Col 3, ll. 20-23); when the system information block type for a system information block referenced by the referencing block does not have a system information block type value in a nominal range of system information block type values, (Wiberg also teaches that if the SIB value received by a mobile station is unknown, then the mobile station will retrieve system information, Col. 15 ll. 49-52 “If the [system information] tag is not found, the MS locates and reads the system information block from the appropriate broadcast slave channel indicated in the master block.”); including a first system information block type extension field in the referencing block (Col 16. ll. 27-31 storing new system information blocks, and Col 3 ll. 20-26, where the System Information type extension fields are the same as the system information “tags” in Wiberg.); including in the first system information block type extension field a system information block type extension value which indicates a system information block type

for the system information block referenced by the referencing block (Col 3 ll. 40-43, where when the mobile station does not receive a system information block with known values, i.e. in a nominal range it will acquire and store as a parameter in the appropriate field, the system information for the appropriate equipment, and associate it with the appropriate referencing data structures); and including a second system information block type extension indicator in the system information block type field of a segment of the system information block referenced by the referencing block (Id.).

Claim 15 tracks the claim language of Claim 8 and its meaning. Claim 15 also essentially states that if the received SIB type value does not correspond to a known SIB type value, then a new value will be created for that SIB type and associated with the reference block value that accompanied that SIB type value.

Claim 15 is also rejected for the same reasons as Claim 8. Claim 15's distinction from Claim 8, is that instead of being directed to a method of operating a node, it is directed to a method of receiving network system information. This limitation is also found in Wiberg (Col 3. ll. 12-13)

Wiberg teaches using the SIB type values in a telecommunications network. (Col. 3 ll. 5-7 and 11-15). It teaches that the SIB type values are included in master information blocks which contain the system information blocks 'SIBs' and other referencing information blocks to which the SIBs refer (Col 3. ll. 21-22). Wiberg also teaches that if the SIB value received by a mobile station is unknown, then the mobile station will retrieve system information (Col. 15 ll. 49-51) and storing new system information blocks (Col 16. ll. 27-31).

With regard to Claim 47 (Independent), this claim, like Claim 15, also tracks the claim language of Claim 8 and its meaning. Claim 47 also essentially states that if the received SIB type value does not correspond to a known SIB type value, then a new value will be created for that SIB type and associated with the reference block value that accompanied that SIB type value.

Claim 47 is also rejected for the same reasons as Claim 8. Claim 47's distinction from Claim 8, is that instead of being directed to a method of operating a node, it is directed to a user equipment unit which receives network system information. This

limitation is also found in Wiberg (Col 3. ll. 12-13, where it states that the mobile station, i.e. user equipment unit, received network system information in the form of system information blocks).

Like Claims 8 and 15 Claim 47, in essence states that if the received SIB type value does not correspond to a known SIB type value, then a new value will be created for that SIB type and associated with the reference block value that accompanied that SIB type value.

Wiberg teaches using the SIB type values in a telecommunications network. (Col. 3 ll. 5-7 and 11-15). It teaches that the SIB type values are included in master information blocks which contain the system information blocks 'SIBs' and other referencing information blocks to which the SIBs refer (Col 3. ll. 21-22). Wiberg also teaches that if the SIB value received by a mobile station is unknown, then the mobile station will retrieve system information (Col. 15 ll. 49-51) and storing new system information blocks (Col 16. ll. 27-31).

With regard to Claim 51 (Independent), this claim like Claim 15, also tracks the claim language of Claim 8 and its meaning. Claim 51 also essentially states that if the received SIB type value does not correspond to a known SIB type value, then a new value will be created for that SIB type and associated with the reference block value that accompanied that SIB type value.

Claim 51 is also rejected for the same reasons as Claim 8. Claim 51's distinction from Claim 8, is that instead of being directed to a method of operating a node, it is directed a method for communicating network system information across and air interface between a network node and a user equipment. This limitation is also found in Wiberg which teaches using the SIB type values in a telecommunications network. (Col. 3 ll. 5-7 and 11-15), including a base station which is a node (Col 1. line 20) and (Col 3. ll. 12-13), where it states that the mobile station, i.e. user equipment unit, received network system information in the form of system information blocks.

Like Claims 8 and 15 Claim 51, in essence states that if the received SIB type value does not correspond to a known SIB type value, then a new value will be created

for that SIB type and associated with the reference block value that accompanied that SIB type value.

Wiberg teaches using the SIB type values in a telecommunications network. (Col. 3 ll. 5-7 and 11-15). It teaches that the SIB type values are included in master information blocks which contain the system information blocks 'SIBs' and other referencing information blocks to which the SIBs refer (Col 3. ll. 21-22). Wiberg also teaches that if the SIB value received by a mobile station is unknown, then the mobile station will retrieve system information (Col. 15 ll. 49-51) and storing new system information blocks (Col 16. ll. 27-31).

With regard to Claim 9, Wiberg discloses the method of claim 8 and further discloses comprising the steps of: including a second system information block type extension field in the segment of the system information block referenced by the referencing block; and including in the second system information block type extension field the system information block type extension value which indicates the system information block type for the system information block referenced by the referencing block (Wiberg Figs. 8 and 14 which show SIB type value in the master block associated with a referencing block).

With regard to Claim 16 Wiberg discloses the method of Claim 15 and further discloses comprising the steps of: locating a second system information block type extension field in the segment of the system information block referenced by the referencing block; and obtaining from the second system information block type extension field the system information block type extension value which indicates the system information block type for the system information block referenced by referencing block (Wiberg Figs. 8 and 14 which show SIB type value in the master block associated with a referencing block).

With regard to Claim 48 Wiberg discloses Claim 47 and further discloses further comprising: means for locating a second system information block type extension field in the segment of the system information block referenced by the referencing block; and means for obtaining from the second system information block type extension field the system information block type extension value which indicates the system information

block type for the system information block referenced by the referencing block (Wiberg Figs. 8 and 14 which show SIB type values in the master block associated with a referencing block).

With regard to Claim 10, Wiberg discloses the method of Claim 9 and further discloses including the second system information block type extension field in a data field of the segment (Col 3. ll. 11-13 and 21-32, placing SIB information in the master block, within the subcomponent system information block.) It is known that the SIB contains segments. The substructures within the segment can hold values (referred to as "tags" by Wiberg). Deciding where among the substructures to place individual values, is simply a matter of design choice. It is obvious to one of ordinary skill in the art who would want to maximize the efficiency of data transmitted within a data structure to rearrange where data is stored, and whether or not redundancy is added to the data structure.

Claim Rejections 35 U.S.C. 103(a)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-14 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiberg in view of "Method for controlling terminal fault corrections in cellular systems", US 2004/0120265A1 by Numminen et al ("Numminen")

With regard to Claim 11, the amount of how many bits to use within the data field is one of design choice, and would have been obvious to one of ordinary skill in the art.

While Wiberg discloses the method of Claim 10, it does not explicitly teach that the protocol blocks belong to a Radio Resource Control Protocol. However the preceding limitation is known in the art of communications. Numminen discloses at ¶ 45

line 36, that the User Equipment can send protocol blocks via a Radio Resource Channel. Numminen also discloses that this method is to control device specific behavior due to specific manufacturer data (§ 5 ll. 5-6). It would have been obvious to one of ordinary skill in the art who would want use Applicants' method of accounting for specific manufacturer system information and would want to reduce errors in that system to use the manufacturer specific techniques of Numminen with respect to protocol blocks.

With regard to Claim 12, Wiberg discloses the method of claim 8, and wherein the referencing block is a master information block, and wherein the system information block type field for the master information block is an "SIB and SB type" information element (Col 3. ll.11-12 and 20-23).

While Wiberg discloses the method of Claim 8, it does not explicitly teach that the protocol blocks belong to a Radio Resource Control Protocol. However the preceding limitation is known in the art of communications. Numminen discloses at ¶ 45 line 36, that the User Equipment can send protocol blocks via a Radio Resource Channel. Numminen also discloses that this method is to control device specific behavior due to specific manufacturer data (§ 5 ll. 5-6). It would have been obvious to one of ordinary skill in the art who would want use Applicants' method of accounting for specific manufacturer system information and would want to reduce errors in that system to use the manufacturer specific techniques of Numminen with respect to protocol blocks.

With regard to Claims 13 and 14, Wiberg in view of Numminen discloses the method of claim 8, wherein the protocol blocks belong to a Radio Resource Control (RRC) protocol, wherein the referencing block is a scheduling block (discussed with respect to Claims 8 and 12 above). Creating a scheduling information block that has SIB type SIBS only as the information element of for the system information block type field is well known in the art of communications and is part of the 3GPP TS 25.331 V3.17.0 (2003-12) document that Applicant references in their specification. When using Wiberg's method for transmitting System Information Blocks, it would have been obvious to one of ordinary skill in the art to use the field values for those blocks that were known prior to the application herein.

With regard to Claim 45, Wiberg in view of Numminen discloses the method of claim 39, wherein the protocol blocks belong to a Radio Resource Control (RRC) protocol, and wherein the referencing block is a scheduling block (discussed with respect to Claims 8 and 12 above) and wherein the system information block type field for the scheduling information block is an "SIB type SIBS only" information element.

Creating a scheduling information block that has SIB type SIBS only as the information element of for the system information block type field is well known in the art of communications and is part of the 3GPP TS 25.331 V3.17.0 (2003-12) document that Applicant references in their specification. When using Wiberg's method for transmitting System Information Blocks, it would have been obvious to one of ordinary skill in the art to use the field values for those blocks that were known prior to the application herein.

Claims 31-35, 39-46, & 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiberg in view of "Universal Mobile Telecommunications System (UMTS); Radio Resource Control (RRC) protocol specification (3GPP TS 25.331 version 5.5.0 Release 5) aka TS 25.331V 5.5.0 (2003)" ("TS 25.331")

With regard to Claim 31, while Wiberg teaches the method of Claim 8, it does not explicitly including in the referencing block a code set identifier which identifies a selected one of plural code sets for use in interpreting the system information block type value included in the system information block type field of the system information block referenced by the referencing block. However the preceding limitations are known in the field of communications.

The Wiberg patent references TS 25.331 as of the 1999 version. Furthermore Applicant acknowledges TS 25.331 and its ancestry in Applicant's specification. TS 25.331 at section 10.3.8.21 mentions the subsets of SIB codes that must be filled in. A code set identifier is the same as a code prefix. Code prefixes identify subsets of codes. Using code prefixes in telecommunications is well known. Area codes are a type of code prefix. Even area codes are referenced in TS 25.331 (section 10.3.1.15).

It would have been obvious to one of ordinary skill in the art, to look at the Wiberg references, locate them, and combine them with the Wiberg patent, to solve the problem of how to use multiple codes for the codes that would be needed for system information in the Wiberg patent.

With regard to Claim 32, Wiberg further teaches a first value for the code set identifier requires that the system information block type value be interpreted in accordance with a range of nominal system information block type values for a predetermined protocol (Wiberg teaches that if the SIB value received by a mobile station is unknown, i.e. not within a nominal group of known values, then the mobile station will retrieve system information, Col. 15 ll. 49-51, and storing new system information blocks, Col. 16. ll. 27-31), and a second value for the code set identifier requires that the system information block type value be interpreted in accordance with a range of extended system information block type values, the extended system information block type values being outside the range of nominal system information block type values.

TS 25.331 discloses using extended values with information elements (section 10.2.5, where it is stated that the string for "NC" should be extended to 4 bits in later versions). It would have been obvious to one of ordinary skill in the art, who is making a code set, and information elements to convey system information that will take into account new types of equipment, to design such code sets and information elements with room to expand and 'extend' such as extra bits to account for the group of unknown technology which will continue to grow.

With regard to Claim 33, Wiberg in view of TS 25.331 discloses the method of claim 31, and further discloses including the code set identifier in an extension field of the referencing block. TS 25.331 discloses using extended values with information elements (section 10.2.5, where it is stated that the string for "NC" should be extended to 4 bits in later versions). It would have been obvious to one of ordinary skill in the art, who is making a code set, and information elements to convey system information that will take into account new types of equipment, to design such code sets and information

elements with room to expand and 'extend' such as extra bits to account for the group of unknown technology which will continue to grow.

With regard to Claim 34, Wiberg in view of TS 25.331 discloses the method of claim 31, and further discloses, further comprising formatting the system information block and the referencing block in accordance with a predetermined protocol (SIB blocks and Referencing blocks are identified in TS 25.331 as being part of the RRC protocol..

With regard to Claim 35, Wiberg in view of TS 25.331 discloses the method of claim 34, and further discloses wherein the predetermined protocol is a Radio Resource Control (RRC) protocol. TS 25.331 groups these blocks under the protocol heading "10.2.5 Radio Resource Control Messages". It would have been obvious to one of ordinary skill in the art, who would want to make sure the different types of equipment in Wiberg would be operational to use the same type of protocol, such as combining Wiberg with the types of protocols in the technical specification that Wiberg references.

With regard to Claim 39, Wiberg teaches the method of Claim 15 but does not explicitly teach further comprising the steps of: obtaining, from the referencing block, a code set identifier which identifies a selected one of plural code sets; and using the selected one of the plural code sets for interpreting the system information block type value included in the system information block type field of the system information block referenced by the referencing block. However the preceding limitation is known in the art of communications.

TS 25.331 at section 10.3.8.21 mentions the subsets of SIB codes that must be filled in. A code set identifier is the same as a code prefix. Code prefixes identify subsets of codes. Using code prefixes in telecommunications is well known. Area codes are a type of code prefix. Even area codes are referenced in TS 25.331 (section 10.3.1.15). It would have been obvious to one of ordinary skill in the art, to look at the Wiberg references, locate them, and combine them with the Wiberg patent, to solve the problem of how to use multiple codes for the codes that would be needed for system information in the Wiberg patent.

Furthermore it is well understood by one of ordinary skill in the art in the area of communications that when a message is encoded with a code set, or a plural of code sets, that those sets can be used to interpret, i.e. decode, the encoded messages.

With regard to Claim 49, Wiberg teaches the method of Claim 48 but does not explicitly teach further comprising: means for obtaining, from the referencing block, a code set identifier which identifies a selected one of plural code sets; and means for using the selected one of the plural code sets for interpreting the system information block type value included in the system information block type field of the system information block referenced by the referencing block. However the preceding limitation is known in the art of communications.

TS 25.331 at section 10.3.8.21 mentions the subsets of SIB codes that must be filled in. A code set identifier is the same as a code prefix. Code prefixes identify subsets of codes. Using code prefixes in telecommunications is well known. Area codes are a type of code prefix. Even area codes are referenced in TS 25.331 (section 10.3.1.15). It would have been obvious to one of ordinary skill in the art, to look at the Wiberg references, locate them, and combine them with the Wiberg patent, to solve the problem of how to use multiple codes for the codes that would be needed for system information in the Wiberg patent.

Furthermore it is well understood by one of ordinary skill in the art in the area of communications that when a message is encoded with a code set, or a plural of code sets, that those sets can be used to interpret, i.e. decode, the encoded messages.

With regard to Claim 40, Wiberg in view of TS 25.331 teaches the method of Claim 39 but does not explicitly teach, wherein a first value for the code set identifier requires that the system information block type value be interpreted in accordance with a range of nominal system information block type values for a predetermined protocol; and a second value for the code set identifier requires that the system information block type value be interpreted in accordance with a range of extended system information block type values, the extended system information block type values being outside the range of nominal system information block type values. However the preceding limitation is known in the art of communications.

TS 25.331 at section 10.3.8.21 mentions the subsets of SIB codes that must be filled in. A code set identifier is the same as a code prefix. Code prefixes identify subsets of codes. Using code prefixes in telecommunications is well known. Area codes are a type of code prefix. Even area codes are referenced in TS 25.331 (section 10.3.1.15). It would have been obvious to one of ordinary skill in the art, to look at the Wiberg references, locate them, and combine them with the Wiberg patent, to solve the problem of how to use multiple codes for the codes that would be needed for system information in the Wiberg patent.

TS 25.331 also discloses using extended values with information elements (section 10.2.5, where it is stated that the string for "NC" should be extended to 4 bits in later versions). It would have been obvious to one of ordinary skill in the art, who is making a code set, and information elements to convey system information that will take into account new types of equipment, to design such code sets and information elements with room to expand and 'extend' such as extra bits to account for the group of unknown technology which will continue to grow.

With regard to Claim 50, Wiberg in view of TS 25.331 teaches the method of Claim 49 wherein a first value for the code set identifier requires that the system information block type value be interpreted in accordance with a range of nominal system information block type values for a predetermined protocol; and a second value for the code set identifier requires that the system information block type value be interpreted in accordance with a range of extended system information block type values, the extended system information block type values being outside the range of nominal system information block type values. However the preceding limitation is known in the art of communications.

TS 25.331 at section 10.3.8.21 mentions the subsets of SIB codes that must be filled in. A code set identifier is the same as a code prefix. Code prefixes identify subsets of codes. Using code prefixes in telecommunications is well known. Area codes are a type of code prefix. Even area codes are referenced in TS 25.331 (section 10.3.1.15). It would have been obvious to one of ordinary skill in the art, to look at the Wiberg references, locate them, and combine them with the Wiberg patent, to solve the

problem of how to use multiple codes for the codes that would be needed for system information in the Wiberg patent.

TS 25.331 also discloses using extended values with information elements (section 10.2.5, where it is stated that the string for "NC" should be extended to 4 bits in later versions). It would have been obvious to one of ordinary skill in the art, who is making a code set, and information elements to convey system information that will take into account new types of equipment, to design such code sets and information elements with room to expand and 'extend' such as extra bits to account for the group of unknown technology which will continue to grow.

With regard to Claim 41, Wiberg in view of TS 25.331 teaches the method of Claim 39 and, obtaining the code set identifier from an extension field of the referencing block. It is inherently understood in the area of telecommunications that when a message is encoded with a code set, or a plural of code sets, that those sets can be used to interpret the encoded messages. Retrieving a code from a field that contains a code is obvious.

With regard to Claim 42, Wiberg in view of TS 25.331 discloses the method of Claim 39 and, deformatting the system information block and the referencing block in accordance with a predetermined protocol. Deformatting a system in accordance with a predetermined protocol is simply decoding. It is well understood by one of ordinary skill in the art in the area of communications understood in the area of telecommunications that when a message is encoded with a code set, or a plural of code sets, that those sets can be used to interpret the encoded messages. It is well understood by one of ordinary skill in the art in the area of communications that deformatting the system information block and the referencing block in accordance with a predetermined protocol, will occur when there is decoding.

With regard to Claim 43, Wiberg in view of TS 25.331 discloses wherein the predetermined protocol is a Radio Resource Control (RRC) protocol. TS 25.331 groups the system information blocks under the protocol heading "10.2.5 Radio Resource Control Messages". It would have been obvious to one of ordinary skill in the art, who would want to make sure the different types of equipment in Wiberg would be

operational to use the same type of protocol, such as combining Wiberg with the types of protocols in the technical specification that Wiberg references.

With regard to Claim 44, Wiberg in view of TS 25.331 discloses wherein the protocol blocks belong to a Radio Resource Control (RRC) protocol, and wherein the referencing block is a master information block, and wherein the system information block type field for the master information block is an "SIB and SB type" information element (Wiberg Col 3. ll. 21-22, discloses that the SIB type values are included in master information blocks which contain the system information blocks 'SIBs' and other referencing information blocks to which the SIBs refer). TS 25.331 groups the system information blocks under the protocol heading "10.2.5 Radio Resource Control Messages". Under the following section 10.3, TS 25.331 discloses wherein the system information block type field for the master information block is an "SIB and SB type" information element (10.3.8.14 specifically). It would have been obvious to one of ordinary skill in the art, who would want to make sure the different types of equipment in Wiberg would be operational to use the same type of protocol, such as combining Wiberg with the types of protocols in the technical specification that Wiberg references.

With regard to Claim 45, Wiberg teaches the method of Claim 39, but does not explicitly teach wherein the protocol blocks belong to a Radio Resource Control (RRC) protocol, and wherein in the system information block the system information block type field includes a "SIB Type" information element. However, the preceding limitation is known in the art of communications.

TS 25.331 discloses wherein the protocol blocks belong to a Radio Resource Control (RRC) protocol, and wherein the referencing block is a master information block, and wherein the system information block type field for the master information block is an "SIB and SB type" information element (Wiberg Col 3. ll. 21-22, discloses that the SIB type values are included in master information blocks which contain the system information blocks 'SIBs' and other referencing information blocks to which the SIBs refer). TS 25.331 groups the system information blocks under the protocol heading "10.2.5 Radio Resource Control Messages". Under the following section 10.3, TS 25.331 discloses wherein the system information block type field for the master

information block is an "SIB and SB type" information element (10.3.8.14 specifically). It would have been obvious to one of ordinary skill in the art, who would want to make sure the different types of equipment in Wiberg would be operational to use the same type of protocol, such as combining Wiberg with the types of protocols in the technical specification that Wiberg references.

With regard to Claim 46, Wiberg in view of TS 25.331 discloses the method of claim 39, and wherein the protocol blocks belong to a Radio Resource Control (RRC) protocol, and wherein in the system information block the system information block type field includes a "SIB Type" information element. TS 25.331 groups the system information blocks under the protocol heading "10.2.5 Radio Resource Control Messages". Under the following section 10.3, TS 25.331 discloses wherein the system information block type field for the master information block is an "SIB and SB type" information element (10.3.8.14 specifically). It would have been obvious to one of ordinary skill in the art, who would want to make sure the different types of equipment in Wiberg would be operational to use the same type of protocol, such as combining Wiberg with the types of protocols in the technical specification that Wiberg references.

(10) Response to Argument

I) Claims 8-10, 15-16, 47, 48, and 51 ARE anticipated by Wiberg, et al. (U.S. Patent No. 6,628,946)

Applicants argue at page 8 of the brief, that "there is no teaching therein to include a SIB "type extension indicator" in an SIB type field "when the system information block type for a system information block referenced by the referencing block does not have a system information block type value in a nominal range of system information block type values" because Applicants' invention has the "addition" of a "type extension indication" in an SIB type field" which is "outside the nominal range of

system information block types" and that Applicants have invented the use of an extension indicator. This allows the types of fields "not envisioned" by preexisting technical specifications.

Examiner states that the disclosure of system information **"tags"** which indicate the "system parameters" in Wiberg (the first cited reference) are equivalent, i.e. another name for, "system information block type fields". The office actions provided reasoning as to why one of ordinary skill in the art would consider this so. The figures for the application also support this interpretation. Contrary to Applicant's assertion the use of synonymous words in the Wiberg reference does not preclude it from being disclosing. The terms used in the reference are synonymous with the terms "system information blocks" and "system information block type field" as described in Applicants' specification.

Applicants continue to mistakenly focus on the use of slightly different terminology in a reference as being indicative that the reference cannot be equivalent to Applicant's claim elements. While Wiberg did not use the exact same terminology as Applicant, but that it did not matter as the elements were the same. Examiner relied on MPEP section 2131 which does NOT require that an ipsissimis verbis test be met. The references need not use the exact same words. Based on a broadest reasonable interpretation of the concept of system information parameter tag values, the system information parameter tags in the Wiberg reference, which can indicate system information parameters, are equivalent to the system type extension indicators in Applicant's claims which indicate system information parameters.

Wiberg teaches that the SIB type values are included in master information blocks which contain the system information blocks Col 3. ll. 11-12, aka 'SIBs' and other referencing information blocks to which the SIBs refer, these SIBs contain system

information parameters, Col 3, ll. 20-23. Wiberg also teaches that if the SIB value received by a mobile station is unknown, i.e. not within a nominal¹ range, then the mobile station will retrieve system information, Col. 15 ll. 49-52 "If the [system information] tag is not found, the MS locates and reads the system information block from the appropriate broadcast slave channel indicated in the master block.";

II) Claims 11-14, and 45 are NOT patentable over Wiberg in view of Numminen, et al., (U.S. Patent Publication No. 2004/0120265)

Since Wiberg (for the reasons discussed above) still teaches the use of an SIB type extension indicator and/or SIB type extension field as recited in independent claims 8, 15, and 47 it therefore still combines with Numminen and still combines with TS.25.331 to cover all the dependent claims listed in the Final rejection. Those grounds of rejection are maintained herein.

III) Claims 31-35, 39-46 and 50 are NOT patentable over Wiberg in view of TS 25.331 (3GPP TS 25.331 v5.5.0 Release 5)

Since Wiberg (for the reasons discussed above) still teaches the use of an SIB type extension indicator and/or SIB type extension field as recited in independent claims 8, 15, and 47 it therefore still combines with Numminen and still combines with TS.25.331 to cover all the dependent claims listed in the Final rejection. Those grounds of rejection are maintained herein.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

¹ Please note that Applicant's arguments and specification with regard to the phrase "nominal range" means that the values are within known ranges, "envisioned extension types in the technical specifications," "when the type of the SIB is not one of the original SIB types defined in the early versions of the Technical Specifications". (Appeal Brief at page 9).

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* dismissal of the appeal as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/JOSHUA SCHWARTZ/

Examiner, Art Unit 2617

Conferees:

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617

/Lewis G. West/

Supervisory Patent Examiner, Art Unit 2617